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STATE FOR AF/W, INR/AA

DOE FOR CAROLYN GAY

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [NI](#)

SUBJECT: PRISON RIOT SPARKS DEBATE ON PRISON REFORM

SENSITIVE BUT UNCLASSIFIED; HANDLE ACCORDINGLY

¶1. (U) SUMMARY: Several prisoners died recently during an attempted jail break in a federal prison in Ibadan, Oyo State. The Government of Nigeria (GON) pledged to institute lasting prison reform that would improve prisoners' living conditions. However, human rights activists argued that no meaningful prison reform is possible without an overhaul of the entire justice system. END SUMMARY.

¶2. (U) On September 11, no fewer than 12 prisoners died and twenty others were injured when police fired live bullets and teargas in an attempt to quell a riot and prevent a possible jail break at Agodi prison, a federal prison facility in the Oyo State capital, Ibadan. The prisoners were protesting poor living conditions, inadequate medical care, and the alleged deaths of several inmates due to lack of drugs and medical equipment. Overcrowding and long delays in the trial process added to prisoners' frustrations. (Note: The Agodi Prison, with capacity for 500 inmates, presently houses 680 prisoners, 619 of whom are awaiting trial. Only 61 have been convicted of a crime. End Note.) During the protest, the prisoners destroyed medical and kitchen equipment and broke several iron gates in an attempt to free other inmates.

¶3. (U) On August 27, President Umaru Yar'Adua, during opening remarks at the annual Nigerian Bar Association (NBA) conference, said his administration is committed to due process and the rule of law. During the same conference, Michael Aondoaka, federal Attorney General (AG), said the GON is committed to the reform of the criminal justice system. Aondoaka also said he has directed all criminal justice agencies, including the police and the Economic and Financial Crimes Commission (EFCC) to arraign suspects within 48 hours as required by law. In addition, he disclosed that he will soon convene an international summit to achieve a common platform from which Nigerian law enforcement agencies, whose work relates to the criminal justice system, can operate. Additionally, Kehinde Ajoni, Executive Secretary, National Human Rights Commission (NHRC) promised to recommend lasting reforms that would improve funding for living conditions in federal prisons. She told journalists, during a visit to Agodi prison, that the Ibadan prison riot and similar riots in Lagos and Port Harcourt are symptoms of the appalling prison conditions.

¶4. (SBU) In a September 26 meeting, Lagos human rights watchers appeared to be unaware of the President and AG's pledges. They criticized the GON's prior performance noting that the emphasis has always been placed on prison reform rather than reform of the entire justice system. They stated that no meaningful reform can be achieved until the entire criminal justice system is overhauled. The human rights activists gave examples of the corruption within the system. They told Poloffs how law enforcement officers

manipulate the system to enrich themselves by luring innocent persons into committing minor misdemeanors with the aim of extorting money from them. They cited an example of how police in Lagos lead pedestrians to illegally cross public roads, only to have them arrested on the other side. The offenders are compelled to part with N2,000 to N5,000 (USD15 - 40) in order to be released. Those unable to pay the bribe are detained and subsequently transferred from police cells to prisons, where they swell the ranks of detainees awaiting trial. The human rights advocates also cited examples of how corruption in the federal and state courts contributes to prison congestion. Attorneys and litigants often have to bribe their way through the proceedings, paying court employees to file cases, and to obtain relevant documents, including copies of judgments; those who cannot pay remain in jail.

15. COMMENT: Although funding and maintenance of prisons are federal responsibilities, the prisons also house prisoners awaiting trial for misdemeanors in state magistrate courts, and state customary courts. This has not only contributed to prison congestion, but has also absolved state governments of any responsibility for funding the prisons. Meaningful prison reform requires a commitment, from both federal and state governments, to build capacity in the judiciary and ensure due process. END COMMENT.

HUTCHINSON